

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

Division of Administrative Law Appeals

Dana Oliver,
Petitioner,

No. CR-25-0002

Dated: March 14, 2025

v.

State Board of Retirement,
Respondent.

ORDER OF DISMISSAL

In 2022, petitioner Dana Oliver successfully purchased retirement credit for a period of military service. In 2024, having retired for accidental disability, Ms. Oliver asked the State Board of Retirement (board) to refund the cost of the 2022 purchase. The board declined, explaining that “[t]here is no provision in [the retirement statute] which allows for a refund of payments made to purchase creditable service.” *Healy v. State Bd. of Ret.*, No. CR-04-302, at *3 (Div. Admin. Law App. Apr. 12, 2005). *See Halmon v. State Bd. of Ret.*, No. CR-01-407, at *2 (Contributory Ret. App. Bd. Feb. 4, 2002).

In her notice of appeal, Ms. Oliver did not identify any error of law or fact in the board’s decision. A prior order directed Ms. Oliver to show cause why the appeal should not be dismissed for failure to state a claim upon which relief can be granted. *See* 801 C.M.R. § 1.01(7)(g)(3). Ms. Oliver’s deadline under that order has expired. She has made no submission in response. Accordingly, it is hereby ORDERED that this appeal is DISMISSED.

Division of Administrative Law Appeals

/s/ Yakov Malkiel

Yakov Malkiel

Administrative Magistrate